

### **REMARKS**

Reconsideration of this application is respectfully requested. Claims 60-62, 83-85, 93 and 95 have been canceled without prejudice or disclaimer. Claims 1, 74, 92 and 94 have been amended to remove non-elected and non-examined subject matter as indicated on pages 4 and 5 of the August 21, 2006 Office Action. Claim 7 has been amended to specify that variable P is S, and claim 8 has been amended to depend from claim 1, instead of claim 7. Claims 1, 9 and 14 have been amended in response to an Examiner rejection, as described below. Claims 1, 2, 20, 63, 65, 66, 69, 74, 78-80 and 94 have been amended to correct grammatical and typographical errors. Claims 76 and 77 have been amended for clarification and to correct an error in the chemical structures shown. Claims 96-99 have been added. Support for these amendments is found, for example, on page 29 (compounds 58 and 59), page 23, lines 2-18, and page 42, line 10 to page 43, line 24, of the specification. No new matter has been added by these amendments. Claims 1-21, 63, 65-82, 86-92, 94 and 96-99 are pending. Claims 86-89 have been allowed. Accordingly, only claims 1-21, 63, 65-82, 90-92, 94 and 96-99 are at issue.

### **Request Rejoinder**

The August 21<sup>st</sup> Office Action states that Applicants agree to withdraw method claims 60-63 and 65-85 from Group I. Pending claim 63 is not a method claim, but is rather directed to a pharmaceutical composition. As the Examiner only requested election between product and method claims, it is respectfully requested that pharmaceutical composition claim 63 be rejoined with the claims of Group I. Applicants further request rejoinder of method claims 65-82 with the elected compound claims (i.e., the claims of invention Group I). Claims 63 and 65-82 are directed to methods of treatment, pharmaceutical compositions and processes of manufacture involving the compounds of the elected claims. As claims 63 and 65-82 depend from the allowable compound claims, applicants respectfully submit that these claims are patentable over the prior art for the same reasons as the compound claims. Therefore, applicants respectfully submit that rejoinder of these claims will not be an undue burden on the Examiner.

**Enablement Rejection**

Claims 1-21 and 90-94 have been rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement due to the term "polymorph." While applicants respectfully disagree with the Examiner, in order to expedite prosecution of this application, this term has been deleted from the claims. Accordingly, applicants respectfully request withdrawal of this rejection.

**Indefiniteness Rejection**

Claim 1 has been rejected under 35 U.S.C. § 112, second paragraph, as indefinite because the definition of  $R^1$  is defined by  $-C(O)-R^1$ ,  $-S(O)_m-R^1$ , etc. Claims 1, 9 and 14 have been amended to remove the circular definition of  $R^1$ . Support for this amendment can be found, for example, on page 17, lines 1-13, of the specification. Accordingly, applicants respectfully request withdrawal of this rejection.

**June 28, 2005 Information Disclosure Statement**

The Examiner crossed out the reference to German Patent Publication No. 2059358 on the form SB/08 submitted with the June 28, 2005 Information Disclosure Statement (IDS), as an English translation of the German publication was not provided. Submitted herewith is a Supplemental IDS and a copy of the U.S. counterpart (U.S. Patent No. 3,846,553) to the German publication. It is respectfully requested that this U.S. patent be considered and that it be made of record by initialing the accompanying form SB/08.

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

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Respectfully submitted,

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